

JEFF S. WESTERMAN (SBN 94559)
SABRINA S. KIM (SBN 186242)
MILBERG WEISS LLP
One California Plaza
300 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071-3149
Telephone: (213) 617-1200
Facsimile: (213) 617-1975
Email: jwesterman@milbergweiss.com
skim@milbergweiss.com

Attorneys for Plaintiff Jason Gregory Turner and the Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DONALD WORTMAN, WILLIAM
ADAMS, MARGARET GARCIA,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

AIR NEW ZEALAND, LTD., et al.

Defendants.

Case No. CV 07-5634 CRB

ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED (CIVIL LOCAL
RULES 3-12 & 7-11)

DATE: March 28, 2008

TIME: 10:00 a.m.

CTRM: 8

JUDGE: Charles R. Breyer

This Document Relates to:

Turner v. All Nippon Airways, et. al.
Case No. CV 08-1444 EDL

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that plaintiff Jason Gregory Turner ("Plaintiff"), hereby moves
3 this Court pursuant to Civil Local Rules 3-12(b) and 7-11 of the United States District Court of
4 the Northern District of California to consider whether the action entitled, *Turner v. All Nippon*
5 *Airways, et. al.*, Case No. CV 08-1444 EDL ("*Turner*"), filed March 13, 2008, should be related
6 to *Wortman, et al. v. Air New Zealand, Ltd., et al.*, Case No. CV 07-5634 CRB ("*Wortman*"),
7 filed November 6, 2007 in the Northern District of California and assigned to the Honorable
8 Charles R. Breyer.

9 **I. RELATED CASES**

10 Pursuant to Local Rule 3-12(b), the *Turner* action should be related to the *Wortman*
11 action as the earliest-filed case.

12 On January 23, 2008, Judge Breyer entered an order relating the *Wortman* action and (1)
13 *Abrams v. Air New Zealand, et al.*, Case No. CV 08-0339 CRB ("*Abrams*"), filed in the Northern
14 District of California on January 17, 2008; (2) and on February 12, 2008 an order relating
15 *Kaufman v. Air New Zealand, et al.*, Case No. CV 07-6417 CRB ("*Kaufman*"), filed in the
16 Northern District of California on December 19, 2007; (3) and on February 19, 2008 an order
17 relating *Evans v. Air New Zealand, et al.*, Case No. CV 07-5821 CRB ("*Evans*"), filed in the
18 Northern District of California on November 15, 2007; (4) and on February 25, 2008 an order
19 relating *Foy v. Air New Zealand, et al.*, Case No. CV 07-6219 CRB ("*Foy*"), filed in the
20 Northern District of California on December 7, 2007.

21 Like the *Wortman*, *Abrams*, *Kaufman*, *Evans* and *Foy* actions, the *Turner* action alleges
22 that defendants engaged in a conspiracy to fix the prices for passenger air transportation service
23 containing transpacific flight segments.

24 **II. RELATIONSHIP OF THE ACTIONS**

25 The Administrative Motion is made on the grounds that the *Turner* action and the
26 *Wortman*, *Abrams*, *Kaufman*, *Evans* and *Foy* actions, all involve substantially similar questions
27 of fact and law and concern the same wrongful acts and occurrences.

28 ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED
CASE NO. CV 07-5634 CRB

Specifically, all cases involve allegations that many of the same defendants participated in a conspiracy to fix, raise or maintain the price for passenger air transportation services containing transpacific flight segments in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. Thus, the *Wortman, Abrams, Kaufman, Evans, Foy* and *Turner* cases “concern substantially the same parties” as well as the same “property, transaction or event.” L.R. 3-12(a)(1). Given the closely related nature of these cases, each involving substantially similar questions of law and fact, the assignment of these actions to the same judge would serve the interests of judicial economy and avoid the potential for conflicting rulings.

Pursuant to Local Rule 3-12(b)(2), it appears likely that there will be an unduly burdensome duplication of labor and expense or the possibility of conflicting results if these cases are conducted before different Judges. Therefore, it will be more efficient for all cases to proceed before the same Judge so that these analyses and determinations are made by one Court. This will avoid duplication of labor and expenses and the possibility of conflicting results.

III. CONCLUSION

The *Wortman, Abrams, Kaufman, Evans, Foy* and *Turner* actions satisfy the criteria of Rule 3-12, and as such, the relation of these actions is proper. Therefore, Plaintiff respectfully requests that the *Turner* action be related to the *Wortman* action and assigned to the Honorable Charles R. Breyer.

DATED: March 19, 2008

MILBERG WEISS LLP
JEFF S. WESTERMAN
SABRINA S. KIM

/s/ Jeff S. Westerman
JEFF S. WESTERMAN

One California Plaza
300 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071-3149
Telephone: (213) 617-1200
Facsimile: (213) 617-1975
Email: jwesterman@milbergweiss.com
skim@milbergweiss.com
Attorneys for the Plaintiff Jason Gregory
Turner and the Class

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, employed in the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los Angeles, California 90071.

2. That on March 19, 2008, declarant served the ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED (CIVIL LOCAL RULES 3-12 & 7-11) by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

4. That on the above date, declarant served via e-mail to: scac@law.stanford.edu.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th day of March, 2008, at Los Angeles, California.


ELIZABETH VILLALOBOS

SERVICE LIST

Wortman et al. v. Air New Zealand et al
USDC, Northern Dist. No. CV 07-5634 CRB

JEFF S. WESTERMAN
SABRINA S. KIM
MILBERG WEISS LLP
300 South Grand Ave, Suite 3900
Los Angeles, CA 90071
Tel: (213) 617-1200
Fax: (213) 617-1975
Email: jwesterman@milbergweiss.com
skim@milbergweiss.com

Attorneys for Third Party Plaintiffs

JOSEPH W. COTCHETT
ARON K. LIANG
NANCI EIKO NISHIMURA
DOUGLAS YONGWOON PARK
NEIL SWARTZBERG
STEVEN NOEL WILLIAMS
COTCHETT PITRE & MCCARTHY
840 Malcolm Road, Suite 200
Burlingame CA 94010
Tel: (650) 697-6000
Fax: (650) 697-0577
Email: jcotchett@cpmlegal.com
aliang@cpmlegal.com
nnishimura@cpmlaw.com
nswartzberg@cpmlaw.com
swilliams@cpmlegal.com

*Attorneys for Plaintiffs Donald Wortman,
William Adams and Margaret Garcia*

AARON M. SHEANIN
GIRARD GIBBS LLP
601 California Street, Suite 400
San Francisco, CA 94108
Tel: (415) 981-4800
Fax: (415) 981-4846
Email: ams@girardgibbs.com

RICHARD POLLARD KINNAN
ELIZABETH LANE CROOKE
WALTER J. LACK
ENGSTROM, LIPSCOMB & LACK
10100 Santa Monica Blvd., 16th Floor
Los Angeles, CA 90067
Tel: (310) 552-3800
Fax: (310) 552-9434
Email: bcrooke@elllaw.com

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED
CASE NO. CV 07-5634 CRB

DOCS\429963v1

DEREK G. HOWARD
MURRAY & HOWARD, LLP
436 14th Street, Suite 1413
Oakland, CA 94612
Tel: (510) 444-2660
Email: dhoward@murrayhowardlaw.com

Attorney for Plaintiff Brenden G. Maloof

REGINALD VON TERRELL
THE TERRELL LAW GROUP
223 25th Street
Richmond, CA 94804
Tel: (510) 237-9700
Fax: (510) 237-4616
Email: reggiet2@aol.com

Attorney for Plaintiff Robert Casteel, III

CRAIG C. CORBITT
ZELLE, HOFMANN, VOELBEL, MASON
GETTE LLP
44 Montgomery Street, Suite 3400
San Francisco, CA 94104
Tel: (415) 693-0700
Fax: (415) 693-0770
Email: ccorbitt@zelle.com

Attorney for Plaintiff Micah Abrams

JON T. KING
COHEN, MILSTEIN, HAUSFELD
TOLL PLLC
One Embarcadero Center, Suite 2440
San Francisco, CA 94111
Tel: (415) 229-2080
Fax: (415) 986-3643
Email: jking@cmht.com

*Attorney for Plaintiff Rachel Diller and Trong
Nguyen*

ADAM PAUL BREZINE
HOLME ROBERTS & OWEN
One Maritime Plaza, Suite 2400A
San Francisco, CA 94111
Tel: (415) 268-2000
Fax: (415) 268-1999
Email: adam.brezine@hro.com

Attorneys for Defendant All Nippon Airways

DEAN MICHAEL HARVEY
KENNETH FISHER ROSSMAN
JOHN F. COVE, JR.
BOIES, SCHILLER & FLEXNER LLP
1999 Harrison Street, Suite 900
Oakland, CA 94612
Tel: (510) 874-1201
Email: krossman@bsfllp.com
dharvey@bsfllp.com
jcove@bsfllp.com

Attorneys for Defendant Northwest Airlines

1 MARIO ZUNZIO ALIOTO
2 LAUREN CLARE RUSSELL
3 TRUMP ALIOTO TRUMP
4 & PRESCOTT LLP
5 2280 Union Street
6 San Francisco, CA 94123
7 Tel: (415) 563-7200
8 Fax: (415) 346-0679
9 Email: malioto@tatp.com
10 lauren russell@tatp.com

Attorneys for Interested Party Martin Kaufman

6 JOSEPH MARID PATANE
7 LAW OFFICE OF JOSEPH M. PATANE
8 2280 Union Street
9 San Francisco, CA 94123
10 Tel: (415) 563-7200
11 Fax: (415) 346-0679
12 Email: jpatane@tatp.com